

UNITED DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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RICHARD CUFFARO, on behalf of himself
and all others similarly situated,

Plaintiff,

-against-

ROMAN VCHERASHANSKY, ALEX LERNER, STEVEN
UNGER, DEPENDABLE AMBULETTE, INC., ALL-POINTS
AMBULETTE, INC. and GEORGETOWN MANAGEMENT,
INC.

Defendants.

**DECLARATION OF
CHRISTOPHER
MARLBOROUGH, ESQ. IN
SUPPORT OF MOTION FOR
LEAVE TO WITHDRAW AS
COUNSEL FOR PLAINTIFF**

Civ. Action No. 18-civ-02987
(AJN)

-----X
State of New York)
County of Nassau)ss:

Christopher Marlborough, being duly sworn, deposes and says:

1. I am an attorney of law admitted to practice before the United States District Court for the Southern District of New York.

2. I represent Plaintiff Richard Cuffaro in this action. I have personal knowledge of the facts set forth in this declaration, which I make in support of a motion for leave to withdraw as counsel for Plaintiff.

3. The action includes claims brought on behalf of Plaintiff and all others similarly situated for unpaid overtime under the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.* subject to FRCP Rule 41(a)(1)(A). *See* Complaint at ¶¶ 34-40.

4. The action is in its early stages. Plaintiff filed his Complaint on April 4, 2018. *See* Docket Entry No. 1. Defendants executed waivers of service and their response to the Complaint is due on or around June 5, 2018. *See* Docket Entry No. 27.

5. I have been instructed by my client to take certain actions in the case that are inconsistent with my ethical obligations. I have communicated extensively with Plaintiff Cuffaro about this conflict and we have been unable to resolve the conflict.

6. To explain the basis for the conflict would require the disclosure of communications subject to the attorney-client privilege. Mr. Cuffaro has not consented to my public disclosure of the reason for the withdrawal on the record.

7. Plaintiff Cuffaro has been fully informed of the basis for the conflict, Plaintiff Cuffaro does not consent to my withdrawal from the case.

8. I have provided Mr. Cuffaro with information about the Southern District of New York Pro Se Office.

9. I will seek a retaining or charging lien on the case.

Dated: May 16, 2018
Melville, New York

A handwritten signature in black ink, appearing to read "Christopher Marlborough". The signature is written in a cursive, somewhat stylized font. The first name "Christopher" is written in a more legible cursive, while "Marlborough" is more fluid and less distinct.

Christopher Marlborough